



LIBERTY HILL
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F R E E D O M T O G R O W

CITY COUNCIL MEETING MINUTES
Monday, September 28, 2020 – 6:30 PM
2801 Ranch Road 1869 – Liberty Hill (Council Chambers)

On September 28, 2020, City Council convened in Council Chambers at 2801 Ranch Road 1869 in Liberty Hill.

CALL TO ORDER

Liberty Hill City Council was called to order at 6:30 PM by Rick Hall – Mayor on Monday, September 28, 2020 at Council Chambers located at 2801 Ranch Road 1869. Invocation was given by Tony DeYoung, followed by reciting of the Pledge of Allegiance and Texas Pledge.

Council Members present were Mayor Rick Hall, Mayor Pro Tem Liz Rundzieher, Steve McIntosh, Kathy Canady, and Tony DeYoung.

Staff and others present were Tad Cleaves – City Attorney, Lacie Hale – Chief Operating Officer, David Stallworth – Director of Planning, Becky Wilkins – Finance Director, Nancy Sawyer – City Secretary, Matt Powell – Interim Executive Director of EDC, Curtis Steger – Engineer – Steger Bizzell, Trey Davis – Public Works, Elias Carrasco – Building Official, Police Chief Royce Graeter, Tracy Ventura – Court Administrator, and Katie Amsler – Events Coordinator.

The meeting was open to the public via YouTube with link on the City's Facebook page and in person.

PUBLIC HEARING #1

Mayor Rick Hall opened the public hearing stating:

NOTICE IS HEREBY GIVEN that the City of Liberty Hill has been asked to review and approve the following application(s) to wit:

A request for a Zone Map Amendment from the Agriculture (AG) zoning classification to the Light Industrial (L1) zoning classification on the following property:

Lot 4, Cimarron Business Park, Liberty Hill, Williamson County, Texas; generally located along the west side of Holmes Road, north of State Highway 29, and identified as Assessor's Parcel Number R-472193.

In accordance with Section 211.006, Texas Local Government Code, a public hearing on this application will be conducted by the Planning and Zoning Commission. This hearing will begin at 6:30 PM Tuesday, September 15, 2020. The Planning Commission will then forward its recommendations to the City Council who will conduct its own public hearing at 6:30 PM on Monday, September 28, 2020, and make the final decision on this matter. Both public hearings will be held at the Municipal Court Building, Council Chambers, 2801 RM 1869 in Liberty Hill, Texas.

You are invited to attend these public hearings and offer comment. You may also submit written comments regarding this application to the City's Planning and Development Department, 100 Forrest Street, Liberty Hill, Texas 78642. Any written comments received in advance of the public hearing will be presented during the hearing and become part of the official record. For more information, call (512) 778-5449.

OUTCOME: No comments were made. Mayor Rick Hall closed the public hearing at 6:33 PM.

PUBLIC HEARING #2

Mayor Rick Hall opened the public hearing at 6:34 PM stating:

NOTICE IS HEREBY GIVEN that the City of Liberty Hill has been asked to review and approve the following application(s) to wit:

A request for a Zone Map Amendment from the General Commercial /Retail (C3) zoning classification to the Single-family Residential (SF3) zoning classification on the following property:

Lots 1 and 2, Twenty-Nine Ranch Addition, Williamson County, Texas; Generally located along the south side of State Highway 29, near its Intersection with Orchard Ridge Parkway and identified as Assessor's Parcels Number R-331210, R-331209 and R-548200.

In accordance with Section 211.006, Texas Local Government Code, a public hearing on this application will be conducted by the Planning and Zoning Commission (Commission) on Tuesday, September 15, 2020, beginning at 6:30 PM. Upon receiving a recommendation from the Commission, the City Council will conduct its own public hearing on this matter at 6:30 PM on Monday, September 28, 2020 and take final action. Both public hearings will be held at the Municipal Court Building, Council Chambers, 2801 RM 1869 in Liberty Hill, Texas. For more information, you may either visit the Development Services Department at 100 Forrest Street, call (512) 778-5449, or send an email to planning@libertyhilltx.gov.

OUTCOME: Christine Kosnik, 9701 W State Hwy 29, Liberty Hill, spoke, stating she was involved in a lawsuit concerning an adjacent tract to the one being discussed tonight. She said she feels reassured that the easement will be honored.

There were no more comments. Mayor Hall closed the public hearing at 6:36 PM.

PUBLIC COMMENTS

- Barbara Zwernemann, Georgetown citizen, provided comments via email to be read by the City Secretary. Ms. Zwernemann offered her support of public comments to be given by Sally McFeron, Austin citizen, regarding allegations against Council member Kathy Canady regarding her residency status. Ms. Zwernemann stated based on what she sees, those who reside in local cities could also be on Liberty Hill's Council.
- Mary Lyn Jones, 700 Oak Lane, Liberty Hill and Chair of the Parks and Recreation Board thanked Council for the joint workshops with Parks leading up to this evening's Council meeting for a decision on the budget for the proposed municipal swim center. She stated that she would like to, on a future Council agenda, get Council's direction on projects that the Parks and Recreation Board has deemed important for Liberty Hill. Ms. Jones said she was asked to reapply for a Parks Board position even though the application instructions state incumbents are automatically assumed to continue their positions if they do not express otherwise.

Mayor Hall responded that he asked all Parks members to re-apply simply to ensure that Council received confirmation of whether each current member wished to continue in their role.

- Sally McFeron, 12909 Water Wheel Cove, addressed Council regarding agenda item 11-x, which calls for discussion and possible action on Ms. McFeron's complaint to the City Secretary citing alleged violations against Council member Kathy Canady. Ms. McFeron stated Ms. Canady used a Burnet address for monetary gain. She stated the chairs of boards and commissions and the Mayor have a responsibility to address ethics issues. She asked Council why it took a formal complaint from her for Council to consider, since the issue had also been in the local newspaper. She stated Council's sworn commitment to uphold the law remains constant.
- Bob Balzen, 309 Blessing Ranch Road addressed Council stating he lives outside City limits, but his business is within City limits. He stated he came to complain to Council about how he was treated this past summer. He stated he experienced delays and costs directly caused by David Stallworth, Senior Director of Planning for the City in the amount of \$5400. Mr. Balzen addressed specific time delays and unnecessary costs and requested compensation of damages caused by the actions of Mr. Stallworth.

CONVENE TO EXECUTIVE SESSION

City Council was convened to Executive Session at 6:46 PM by Mayor Hall for Consultation with Legal Counsel pursuant to Texas Government Code Section 551.071 (Consultation with Attorney), Section 551.072 (Deliberations about Real Property), Section 551.073 (Deliberations about Gifts

and Donations), Section 551.074 (Personnel Matters), Section 551.076 (Deliberations about Security Devices), and Section 551.087 (Development). No action would be taken during Executive Session.

- **Section 551.087. Development**

Update on Active Economic Development Projects

- Project Fore
- Project Greenbelt
- Project Crawfish
- Project Rock and Roll
- Project Northern
- Project Entry

- **Section 551.071. Consultation with Attorney**

Consultation with the City Attorney to seek legal advice regarding pending or contemplated litigation, a settlement offer, or a matter on which the City Attorney has a duty to advise the City Council including agenda items.

- Litigation update on Notice of Intent to File Clean Water Act lawsuit
- Leander ETJ Boundary Line Agreement

RECONVENE TO REGULAR SESSION

At 8:45 PM City Council reconvened to Regular Session for discussion / action of the following:

- **Section 551.087. Development**

Update on Active Economic Development Projects

- Project Fore
- Project Greenbelt
- Project Crawfish
- Project Rock and Roll
- Project Northern
- Project Entry

- **Section 551.071. Consultation with Attorney**

Consultation with the City Attorney to seek legal advice regarding pending or contemplated litigation, a settlement offer, or a matter on which the City Attorney has a duty to advise the City Council including agenda items.

- Litigation update on Notice of Intent to File Clean Water Act lawsuit
- Leander ETJ Boundary Line Agreement

OUTCOME: No action was taken.

DEPARTMENTAL REPORTS TO COUNCIL

Liberty Hill Economic Development Corporation

Matt Powell, Interim Executive Director provided an overview of recent activity with the EDC.

- Prospector website is well under way
- Focus is on setting up an actual EDC website linked to the City's web page
- Looking at new logo and branding
- Looking at potential partnerships including

- Liberty Hill Chamber of Commerce
- Downtown Beautification Committee
- The EDC is receiving a high level of interest from developers who are looking at Liberty Hill

Finance Department - Becky Wilkins, Finance Director presented August 2020 financials.

- The City is in a good financial position
- Interest rates are down
- Next month, the City will start using Texas Class using some transferred reserve funds
- Next report will include some small balances that are being closed out
- The City ended last month with cash total of \$12,817,942 and investments total of \$9,833,961

Engineering Services – Curtis Steger, Steger Bizzell presented an overview of some of the 17 projects they are assisting with for the City.

- CDBG Phase 2 Stubblefield parking area is complete; parking was added to Development Services
- Downtown parking is mostly done
- They are analyzing the BioDaf data
- The 332/279 3-way stop project is set to go out to bid in October
- Bailey Lane is on the agenda today
- The Community center bids were opened; low bid from Jimmy Jacobs Construction will be presented at the next Council meeting for consideration and possible action

Public Works Department – Trey Evans, Water Superintendent presented the August 2020 report of activities for that department.

- The department is preparing a list of potholes for repair
- They are getting quotes for the Carson Acres water main project
- Well 4 upgrades are taking place

Building Development Services – David Stallworth, Senior Director of Planning presented the August 2020 update.

- The department is still looking to hire a city planner
- Mr. Stallworth is working to make the department's website more user-friendly
- The department is working on the UDC

Building Development Services – Elias Carrasco, Building Official provided an overview of statistics for August 2020.

Police Department – Royce Graeter, Chief of Police presented a comparative report of August 2019 and August 2020.

Municipal Court – Tracy Ventura, Court Administrator presented the August 2020 report.

- Warrant issuance has gone down which Ms. Ventura attributes to the ease of virtual court
- Text messaging is still a success; most payments are coming within 2-3 days following the text message
- Ms. Ventura is considering cross-training someone to assist at Court for times when the Court Administrator is not able to be in the office

City Secretary – Nancy Sawyer provided an update on the City records project.

- Not able to offer a complete set of Ordinances and Resolutions from 2019 at this time
 - Unable to locate signed originals, copies, or forms for several ordinances

Events – Katie Amsler provided an update.

- Brick program automation has been set up and will go active October 1st
- Veterans Day event will take place at 10 AM on Wednesday, November 11th
- Christmas festival is December 12th
- Council and Staff Christmas dinner is December 19th at Cimarron
- The Christmas Movie in the Park is December 12th and will be showing “Elf”.

CONSENT AGENDA ITEMS

Consent Agenda items are considered to be routine and will be enacted by one motion. There will be no separate discussion of those items unless requested by Council, in which event the item(s) will be removed from the Consent Agenda and considered under Regular Agenda items:

- Discussion and possible action to approve minutes of the City Council Public Hearing held September 14, 2020.
- Discussion and possible action to approve minutes of City Council meeting held September 14, 2020.

OUTCOME: On motion by Steve McIntosh and second by Tony DeYoung, Council approved the Consent Agenda.

Motion passed on vote of 4 ayes, 0 nays, and 0 abstentions.

REGULAR AGENDA

Discussion and final action regarding the Arnold Oil Fuel Station Site Development / Stormwater Plan, located at the NEC of State Road 29 and St. Joseph Court (being 12660 West SR-29 and 201 St. Joseph Court) inside the city’s limits and identified as Lot 1, Cat Trax Addition, Williamson County, TX and Lot 1, St. Joseph Addition, Williamson County, TX (WCAD ID Nos. R584337 and R508372).

David Stallworth, Senior Director of Planning addressed Council stating staff deems this application technically sound and recommends its implementation with the caveat that the two parcels be replat into one lot.

OUTCOME: On motion by Liz Rundzieher and second by Steve McIntosh Council approved the Arnold Oil Fuel Station Site Development / Stormwater Plan as presented.

Motion passed on vote of 4 ayes, 0 nays, and 0 abstentions.

Discussion, consideration, and approval of a request for a Zone Map Amendment for Lots 1 and 2, Twenty-Nine Ranch Addition, from the General Commercial/Retail (C3) zoning classification to the Single-family Residential (SF3) zoning classification.

David Stallworth, Senior Director of Planning stated there was only one inquiry presented at the public hearing. Planning and Zoning approved.

OUTCOME: On motion by Kathy Canady and second by Liz Rundzieher, Council approved Ordinance 20-O-56 for a Zone Map Amendment for Lots 1 and 2, Twenty-Nine Ranch Addition, from the General Commercial/Retail (C3) zoning classification to the Single-family Residential (SF3) zoning classification.

Motion passed on vote of 4 ayes, 0 nays, and 0 abstentions.

Discussion, consideration, and approval of a request for a Zone Map Amendment for Lot 4, Cimarron Business Park, from the Agricultural (AG) zoning classification to the Light Industrial (11) zoning classification.

David Stallworth, Senior Director of Planning stated this was posted September 3 and there have been no comments. The request is for four office warehouses within two buildings and is consistent with other buildings in the area.

OUTCOME: On motion by Tony DeYoung and second by Steve McIntosh, Council approved Ordinance 20-O-57 for a Zone Map Amendment for Lot 4, Cimarron Business Park, from the Agricultural (AG) zoning classification to the Light Industrial (11) zoning classification.

Motion passed on vote of 4 ayes, 0 nays, and 0 abstentions.

Update to Council on a revised conceptual design for Bailey Lane and Loop 332. Task Order SB 020-61 is included if the Council votes to proceed with the conceptual design.

Curtis Steger, Steger Bizzell addressed Council stating this topic was discussed previously as a way to make this intersection safer. Total cost estimate is around \$1.6 million. Mayor Hall stated the cost estimate for a traffic signal with TxDOT is around \$350,000.

OUTCOME: On motion by Kathy Canady and second by Liz Rundzieher, Council approved Steger Bizzell to proceed with a conceptual design for the intersection.

Motion passed on vote of 4 ayes, 0 nays, and 0 abstentions.

Consideration and possible action to approve the City of Liberty Hill Rainfall Drainage Application and adoption of Atlas 14 maps for hydrologic analyses.

Curtis Steger, Steger Bizzell stated the City of Round Rock recently adopted rainfall application instructions titled Atlas 14. Most municipalities in the area have adopted these. On August 7, 2020, Council adopted Round Rock's Engineering Guidance Standards; this would make minor amendments to that.

OUTCOME: On motion by Liz Rundzieher and second by Tony DeYoung, Council approved Ordinance 20-O-58 adopting Atlas 14 maps.

Motion passed on vote of 4 ayes, 0 nays, and 0 abstentions.

Discussion and possible action to set budget for swim center project.

Mayor Hall addressed Council stating there have been multiple workshops with Council and the Parks and Recreation Board providing potential options for design. Council deliberated a budget for the swim center project.

OUTCOME: On motion by Tony DeYoung and second by Kathy Canady, Council set the swim center project budget at a total of \$1.8 million with \$500,000 sourced from a grant from the Texas Parks and Wildlife Department.

Motion passed on vote of 4 ayes, 0 nays, and 0 abstentions.

Consideration and possible action to approve the Resolution accepting the proposed Boards and Commissions Handbook.

Lacie Hale, Chief Operating Officer addressed Council stating the handbook includes the forms of government, training, dress code, agendas, among other topics. Ms. Hale stated she felt the handbook was ready to be approved, but the Charter Committee will have to be added.

OUTCOME: On motion by Steve McIntosh and second by Tony DeYoung, Council postponed this item.

Motion passed on vote of 4 ayes, 0 nays, and 0 abstentions.

Update on Charter Committee.

Mayor Hall addressed Council stating he, Kathy Canady, and Liz Rundzieher met. The City has received some additional applications expressing interest in being part of the committee. Mayor Hall directed the Chief Operating Officer to meet with Liz Rundzieher and Kathy Canady to discuss next steps.

Discuss and consider action to approve an ordinance of the City Council of Liberty Hill, Texas, amending Chapter 1, Article 1.04 of the Liberty Hill Code of Ordinances, designating the position of Finance Director as the City Treasurer; providing for a repealer and providing an effective date.

Mayor Hall stated this ordinance was discussed at the last Council meeting.

OUTCOME: On motion by Liz Rundzieher and second by Steve McIntosh, Council approved Ordinance 20-O-60 designating the position of Finance Director as the City Treasurer.

Motion passed on vote of 4 ayes, 0 nays, and 0 abstentions.

Discuss and consider action to approve an ordinance of the City Council of Liberty Hill, Texas, amending Chapter 1, Article 1.04 of the Liberty Hill Code of Ordinances; designating the position of Chief Operating Officer as a Municipal Officer; providing for a repealer and providing an effective date.

OUTCOME: On motion by Kathy Canady and second by Liz Rundzieher, Council approved Ordinance 20-O-61 designating the position of Chief Operating Officer as a Municipal Officer.

Motion passed on vote of 4 ayes, 0 nays, and 0 abstentions.

Discussion and possible action to create a program to allow temporary encroachments into public right of way for retail or food service.

Tad Cleaves, City Attorney stated Council has discussed this previously. Council deliberated.

OUTCOME: On motion by Tony DeYoung and second by Steve McIntosh, Council postponed this item.

Motion passed on vote of 4 ayes, 0 nays, and 0 abstentions.

Discuss and consider action to move forward with International Dark Skies designation.

Lacie Hale addressed Council asking for their direction on moving forward.

OUTCOME: On motion by Steve McIntosh and second by Kathy Canady, Council approved Resolution 20-R-62 authorizing City staff to start the process to have the City of Liberty Hill designated as a Dark Sky Community.

Motion passed on vote of 4 ayes, 0 nays, and 0 abstentions.

Discuss and consider appointment of directors to the Parks and Recreation Board for two-year terms effective October 1, 2020 and expiring September 30, 2022.

Mayor Hall stated there are three (3) board positions up for renewal.

OUTCOME: On motion by Tony DeYoung and second by Liz Rundzieher, Council approved two of the board member positions to be filled by Mary Lyn Jones and Jennifer Ivicic providing for installation and election of officers to take place at the next Parks and Recreation board meeting.

Motion passed on vote of 4 ayes, 0 nays, and 0 abstentions.

Discuss and consider appointment of commissioners to the Planning and Zoning Commission for two-year terms effective October 1, 2020 and expiring September 30, 2022.

OUTCOME: On motion by Kathy Canady and second by Liz Rundzieher, Council postponed this item.

Motion passed on vote of 4 ayes, 0 nays, and 0 abstentions.

Discussion and possible action on Information Technology and Security Policies.

Tad Cleaves, City Attorney stated Randy Hodges, IT Director placed this on the agenda seeking council approval.

OUTCOME: On motion by Steve McIntosh and second by Liz Rundzieher, Council approved the Information and Technology and Security Policies.

Motion passed on vote of 4 ayes, 0 nays, and 0 abstentions.

Discussion and possible action on purchase of electronic signature subscription service.

Nancy Sawyer, City Secretary stated the subscription price is \$25.00 per month. Tad Cleaves, City Attorney will return to Council with an Ordinance and details of specific usage of the service.

OUTCOME: On motion by Tony DeYoung and second by Steve McIntosh, Council approved purchase of electronic signature subscription service.

Motion passed on vote of 4 ayes, 0 nays, and 0 abstentions.

Discuss and consider Council's interest in directing the Downtown Beautification Committee to purchase and place a flag display in the parking lot across from Wetzel Park.

Liz Rundzieher, Mayor Pro Tem stated the Downtown Beautification Committee is coming up with some great ideas to beautify downtown. Mayor Hall stated he thinks this is a great opportunity as the committee's first project. Becky Wilkins, Finance Director stated insurance is factored at a per flagpole basis. Mayor Hall stated Jay Holmes, the City's project manager should attend the next committee meeting to offer his expertise; the Committee can come back to Council with a proposal.

Discuss and consider action to require permits for vendors who conduct sales outside of City businesses.

Kathy Canady, Council member stated she sees organizations such as DARE and LEED who set up in front of Parker's and Boomer's. Ms. Canady stated she would like to see the City require permits for these types of vendors. Mayor Hall directed Lacie Hale, Chief Operating Officer and Elias Carrasco, Building Inspector to consult and determine what kind, if any, permit is needed and to search the City's ordinances to see if any of them address this.

Discuss and consider action to authorize the Mayor to sign an Artwork License Agreement between the City of Liberty Hill and Jim Franklin for the City of Liberty Hill to use poster artwork on an historic water tower.

Mayor Hall stated this is an administrative task based on Council's past decision to purchase the right to use the image of the poster.

OUTCOME: On motion by Tony DeYoung and second by Steve McIntosh, Council authorized Mayor Hall to sign the Agreement.

Motion passed on vote of 4 ayes, 0 nays, and 0 abstentions.

Discuss and consider a donation of \$5,000 to Operation Liberty Hill to assist the charity with provision of Christmas meals and Angel Tree gifts to Liberty Hill ISD residents.

OUTCOME: Steve McIntosh made a motion to approve the \$5,000 donation, seconded by Kathy Canady. During discussion, Tony DeYoung stated he felt Council should approve \$10,000 since it has been a bad financial year for so many. The previous motion died for lack of votes. Tony DeYoung made a motion to donate \$10,000 to Operation Liberty Hill, seconded by Steve McIntosh.

Motion passed on vote of 4 ayes, 0 nays, and 0 abstentions.

Discussion and consider action on setting up quarterly meetings with the Liberty Hill City Council and the Liberty Hill Independent School District.

Mayor Hall stated he and LHISD Superintendent Steve Snell discussed the City's growth and were discussing that Council might want to do joint meetings quarterly with the school district. Mayor Hall stated the School District is the City's largest employer and the district is one of the main reasons the City has seen such growth.

OUTCOME: On motion by Kathy Canady and second by Liz Rundzieher, Council approved quarterly meetings between the City Council and Liberty Hill ISD.

Motion passed on vote of 4 ayes, 0 nays, and 0 abstentions.

Discuss and determine whether a written complaint filed by Sally McFeron pursuant to Section 1.02.076 of the City of Liberty Hill Code of Ethics and Rules of Conduct for City Officials ("Ethics Code") presents on its face a violation of the Ethics Code for which sanctions would be appropriate.

Tad Cleaves addressed Council stating the City Secretary received a complaint from Ms. McFeron. Council is to determine if, on its face, the complaint constitutes a violation of the Ethics Code. Council deliberated. Upon question, Mr. Cleaves stated there is no zoning violation involved.

OUTCOME: Following discussion and input from Ms. McFeron, Liz Rundzieher made a motion that no further action was needed because Council determined there was no violation of the Ethics Code for which sanctions would be appropriate. Steve McIntosh seconded the motion. Tony DeYoung asked what next steps would be if Council determined otherwise. Mr. Cleaves stated there would be a hearing on the facts, and at the end of that hearing, Council would have to take action.

Motion passed on vote of 2 ayes, 1 nay, and 1 abstention. Tony DeYoung did not approve the motion. Kathy Canady abstained from the motion.

MEDIA QUESTION AND ANSWER

Mike Eddleman, Liberty Hill Independent Newspaper inquired as to:

- Bailey Lane realignment
 - Mayor Hall stated Council approved for preliminary schematic of what that would look like.
- Swim Center time frame
 - Mayor Hall stated the City is not ready to set a time frame since they just set the budget this evening. Mayor Hall stated this is a great opportunity for the Parks and Recreation Board to come back with a good solid plan based on the budget. The Texas Parks and Wildlife Department grant is good for three years from receipt of grant.

ITEMS FROM MAYOR AND COUNCIL

- Mayor Hall announced the Community Engagement meeting.
- The next few meetings will be held at the Liberty Hill Learning and Event Center.

ADJOURNMENT

On motion by Liz Rundzieher and second by Kathy Canady, Council adjourned at 11:30 p.m.
Motion passed on vote of 4 ayes, 0 nays, and 0 abstentions.

PASSED and APPROVED by the CITY COUNCIL of the CITY OF LIBERTY HILL, TEXAS on MONDAY – October 13, 2020 on vote of 4 AYES, 0 NAYS, and 0 ABSTENTIONS.



[seal]


Rick D. Hall – Mayor


Nancy Sawyer – City Secretary